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Attorney for Defendant Michael Kail

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

) CR 18-00172 BLF

Plaintiff,

JOINT PRELIMINARY STATEMENT

V.

) Trial: March 19, 2021
)) Court: Honorable Beth Labson Freeman

MICHAEL KAIL

Defendant.

1 Counsel for the United States of America (the “government”), through Assistant U.S. Attorneys
2 Colin Sampson and Daniel Kaleba, and counsel for Defendant, Michael Kail (“Kail,” or “Defendant”),
3 respectfully submit the following Joint Preliminary Statement to be read to the jury before the beginning
4 of trial of the above-captioned matter:

5
6 Defendant Michael Kail is charged with the following crimes: wire fraud, mail
7 fraud and money laundering. The government alleges that Mr. Kail, from at least
8 February 2012 to July 2014, engaged in a scheme to defraud his employer, Netflix, Inc.,
9 including by directing business to companies that did business with Netflix in exchange
10 for taking bribes and kickbacks from those companies. The government further alleges
11 that, from at least April 2013 to October 2014, Mr. Kail also engaged in financial
12 transactions of over \$10,000 with the proceeds of the alleged fraud.

13 These allegations are not evidence, and they do not prove anything. Mr. Kail has
14 pleaded not guilty to the charges. He is presumed innocent, and the government bears the
15 burden of proving the charges beyond a reasonable doubt.

16
17 Respectfully submitted,

18 DAVID L. ANDERSON
19 United States Attorney

20 Dated: February 18, 2021.

21 */s/ Colin Sampson*
COLIN SAMPSON
DANIEL KALEBA
Assistant United States Attorneys

22
23 Dated: February 18, 2021.

24 */s/ Julia Jayne*
JULIA JAYNE
Attorney for Defendant Michael Kail